

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8452 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VYAS BHAVANABEN PRAFULCHANDRA

Versus

STATE OF GUJARAT

Appearance:

MR RR VAKIL for Petitioner

MRS SIDDHI TALATI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/07/97

ORAL JUDGMENT

#. This Special Civil Application was ordered to be heard with Special Civil Applications No.4447 of 1991 and 505 of 1991. Special Civil Application No.4447 of 1991 was dismissed for default on 7.12.91 and another Special Civil Application has been decided on 31.3.91 as withdrawn.

#. The petitioner submitted application pursuant to the advertisement published by respondent No.2 in "Gujarat Mitra" on 10th December 1985 for the post of Gujarati / English Section Writer. The petitioner was called for written test and on successful clearance of written test as well as typing test, she was called for oral interview and was selected for the post and her name was included in the select list at Sr.No.11. This has been informed to the petitioner by respondent No.3 by his letter dated 18th July 1988. The petitioner was waiting for her appointment but vide communication dated 11th November 1992, the respondent No.3 informed the petitioner that as she has completed qualifying age of 28 years, she being not eligible for appointment on the post of Gujarati Section Writer, her name is deleted from the select list. Hence this Special Civil Application before this Court.

#. The learned counsel for the petitioner submitted that this matter is squarely covered by the decision of this Court dated 23rd December 1994 given in Special Civil Application No.6769 of 1993. In that case the point was whether the age eligibility has to be considered on the date of giving appointment or on the last date of receiving the applications. However, the matter pertains to appointment to be given by District Judge, Surat, and he being a judicial officer will also be in a position to appreciate whether the matter is squarely covered by decision of this Court aforesaid or not. Interest of justice will be met in case this Special Civil Application is disposed of with directions to respondent No.3 to consider the matter of the petitioner for appointment on the post of Gujarati Section Writer in the light of decision of this Court given in Special Civil Application No.6769 of 1993 on 23.12.94 and in case it is found that the petitioner is entitled for appointment, then she shall be entitled for all consequential benefit following therefrom except backwages. The respondent No.3 is further directed to decide this matter within a period of two months from the date of receipt of certified copy of this order after hearing the petitioner, if she so desires.

#. The Special Civil Application and Rule therein stand disposed of in aforesaid terms with no order as to costs.

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